

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/93287/E

Site Address: 16, Cross Lane, Stocksmoor, Huddersfield, HD4 6XH

Description: Erection of two storey side extension and attached garage/utility

Recommending Officer: Nia Thomas

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 23-Nov-2017

Officer Report

Site Description

No. 16 Cross Lane, Stocksmoor, is a two storey semi-detached dwelling constructed of stone for the external walls, natural slate for the roof, and upvc for the openings. The site has a porch to the rear of the site and a detached garage to the side.

Surrounding the site is residential to the north with open land to the east, south and west of the site, which is allocated as Urban Greenspace – both areas immediately adjacent to the site have been accepted as housing allocation options in the Publication Draft Local Plan.

The site is unallocated and is not located in a conservation area on the Kirklees Unitary Development Plan proposals map.

Description of Proposal

Planning permission is sought for the erection of a two storey side extension. The two storey side extension will project 4 metres from the side of the original dwelling, will be 6.8 metres in overall height (4 metres to the eaves) and will be 8.8 metres in length. The extension will also include a single storey side element serving a garage.

The single storey element of the proposal will project from the side of the two storey side extension by 3.5 metres, it will be 3.2 metres in overall height and will be 7.3 metres in length.

The extension will be constructed of materials to match the existing which is stone for the external walls, natural slate for the roof, and upvc for the openings.

History of negotiations/amendments received

The case officer has not been in negotiations with the applicant as the proposal is acceptable in its submitted form for the reasons set out in the assessment below.

Relevant Planning History

96/90722 – Erection of two storey extension APPROVED (no. 14)

89/02473 – Erection of detached garage APPROVED PD (no. 14)

2015/90200 – Reserved matters application for erection of 17 dwellings pursuant to outline permission 2014/90460 APPROVED (Cross Lane)

Representations

Final publicity date Expires: 9.11.2017

No representations have been received.

Kirkburton Parish Council – “no comments”

Consultation Responses

No consultation responses are required.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highways safety

- **T19** – Parking Provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP22** - Parking
- **PLP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

Visual amenity, residential amenity and highways safety will be addressed in this report.

Local Plan

The Local Plan reiterates the UDP and the National Planning Policy Framework in its key ideas relating to design (house extensions) and residential amenity.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. Although the two storey element of the extension is not set back from the front elevation of the original dwelling, it is set down from the ridge of the host dwelling to ensure that it is read as a subservient addition. The extension will have the same roof form, materials and design/fenestration details of the openings on the host dwelling and therefore will not detract from the host dwelling's character and appearance. No. 14 Cross Lane has a similar two storey extension and therefore this addition is not an unusual feature in the area and is not considered to unbalance the pair of the semi-detached dwellings.

Given the location of the extension, it is not very visible from Cross Lane, with the majority of the dwelling being screened by no. 18 Cross Lane. The set back of approximately 40 metres from the highway further reduces the prominence of this addition in the streetscene. The extension would be visible when the dwellings have been built on the land to the east and from the track. However, for the above reasons, the dwelling would not harm the area or the streetscene.

UDP policy BE14 refers to side extensions having the potential to cause a terracing effect. In this case, the element of the proposal closest to no. 18 Cross Lane is at single storey and there is a significant distance between the sites. There will be no terracing effect created as a result of this proposal.

Overall

The cumulative impact of the proposed extensions will not result in overdevelopment of the site. There will be a reasonable amount of amenity space at the site following development.

Overall, the proposal is in accordance with UDP policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, guidance in the NPPF Chapter 7 and policy PLP 24 of the Kirklees Publication Draft Local Plan and will not cause harm to the visual amenity of the area or the streetscene.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

Impact on no. 14 Cross Lane

There will be no impact on the occupiers of this dwelling in any way given the location of the extensions to the northeast.

Impact on no. 18 Cross Lane

There is a distance of 23 metres between the extensions and no. 18 Cross Lane which has 2 small openings at first floor in the side elevation facing the

application site and is on a slightly lower level. Given the relatively small scale of the proposed extensions and the fact that the closest part of the extension to no.18 Cross Lane will be at single storey level (set down significantly from the ridge of the main dwelling), there will be no overbearing impact on the occupiers of this dwelling.

With regards to overlooking/loss of privacy, there is an opening at first floor level facing this site. However, this serves a bathroom and therefore a condition has been recommended to ensure that this is obscurely glazed. Any future openings in this side elevation are controlled by the General Permitted Development Order to restrict any overlooking impact.

At ground floor level, the extension serves a garage which is non habitable and will not lead to a loss of privacy should any openings be inserted in the future.

Impact on surrounding land (approval of reserved matters for dwellings)

The extension will not project any closer to this piece of land than the existing dwelling and therefore this relationship has already been established. There will be no residential amenity concerns when the dwellings are occupied.

Overall

In conclusion, for the reasons given above, the impact of the proposal is acceptable in terms of residential amenity and is in accordance with UDP policies BE1 and BE14.

4 – Impact on highway safety:

The impact on highway safety is acceptable. The extension will lead to an increase in the number of bedrooms from 2 to 4 and therefore 3 parking spaces are required. In this case, the extensions will not be erected on land currently used for parking (although the double garage will be demolished) and the proposed extension will include a garage with space for one vehicle. The area where the garage currently sits can accommodate 2 spaces and therefore the parking provision required to comply with UDP policy T19 can be achieved.

The occupiers of this dwelling will still have to reverse onto the track but because this is the existing situation and this is a quiet road, there will be no highways safety issues over and above the existing, complying with UDP policy T10.

The proposals also comply with Kirklees Publication Draft Local Plan policies PLP21 and PLP22.

5 – Other matters:

No other matters

6 – Representations:

No representations have been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/93287

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE13, and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan, Policy PLP24 Kirklees Publication Draft Local Plan, and chapter 7 of the National Planning Policy Framework.

4. The development shall not be occupied until the bathroom window in the north eastern elevation of the extension hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed and existing elevations, layout plans and location plan	01A	-	28.9.2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant

in dealing with the application. The case officer has not been in negotiations with the applicant as the proposal is acceptable in its current form.

Report Dated:

22.11.2017
